

OFFICIAL GAZETTE



GOVERNMENT OF GOA

NOTE: There is one Extraordinary to the Official Gazette, Series I No. 52 dated 24-3-94 namely, Extraordinary dated 24-3-94 from pages 767 to 768 regarding Notification from Revenue Department.

GOVERNMENT OF GOA

Department of Personnel

Notification

1/2/84-PER

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, and in supersession of the existing recruitment rules for the relevant posts, the Governor of Goa hereby makes the following rules to regulate the recruitment to the Group 'C', Non-Ministerial, Non-Gazetted post in the Goa College of Art, Government of Goa, namely:—

1. Short title, application and commencement. —

(1) These rules may be called the Government of Goa, Goa College of Art, Group 'C' Non-Ministerial, Non-Gazetted post Recruitment Rules, 1994.

2. They shall apply to the posts specified in Column 1 of the Schedule to these rules (hereinafter called as the "said Schedule").

(3) They shall come into force from the date of their publication in the Official Gazette.

2. Number, classification and scales of pay. —

The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in Columns 2 to 4 of the said Schedule:

Provided that the Government may vary the number of posts in Column 2 of the said Schedule from time to time subject to exigencies of work.

3. **Method of recruitment, age limit and other qualifications.** — The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in Columns 5 to 13 of the said Schedule.

4. **Disqualification.** — No person who has entered into or contracted a marriage with a person having a spouse living or who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided that the Government may, if, satisfied that such marriage is permissible under the personal Law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. **Power to relax.** — Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing, and in consultation with the Goa Public Service Commission, relax any of the provisions of these rules with respect to any class or category of persons.

6. **Saving.** — Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for Scheduled Castes, and other special categories of persons in accordance with the orders issued by the Government from time to time in that regard.

By order and in the name of the Governor of Goa.

S. S. Keshkamat, Under Secretary (Personnel).

Panaji, 18th March, 1994.

SCHEDULE

Name/ Designation of post	Num- ber of posts	Classi- fication	Scale of Pay	Whether Selection post or non- Selection post	Age limit for direct recruits	Whether the benefit of added years of service is admissi- ble under Rule 30 of CCS (Pension) Rules, 1972	Educational and other qualifications required for direct recruits	Whether age & edu- cational qualifica- tions pre- scribed for the direct recruits will apply in the case of promotees	Period of pro- motion or by deputation/trans- fer/contract and if any percentage of the vacancies to be filled by various methods	Method of recruitment whe- ther by direct recruitment or by promotion or by deputation/trans- fer/contract and if any percentage of the vacancies to be filled by various methods	In case of recruitment by promotion/deputa- tion/transfer, grades from which promo- tion/deputation/ transfer is to be made	If a P.C. exists, what is its com- position	Circums- tances in which Goa Public Service Commission is to be consulted in making recruitment
1	2	3	4	5	6	6(a)	7	8	9	10	11	12	13
Projector Operator (1994) subject to va- riation Non- depend- ent on work- load.	1	Group 'C' Non- Minis- terial Non- Gazetted.	Rs. 950- 20-1150- EB-25- -1400.	N. A.	Not exceed- ing 35 years (Relaxable for Govern- ment ser- vants as per the instruc- tions or orders issued by the Go- vernment).	N. A.	Essential: (i) S. S. C. E. or its equivalent. (ii) 2 years experience as a Projector Ope- rator. Desirable: Knowledge of Konkani and/or Marathi.	N. A.	Two years.	Direct recruitment.	N. A.	Group 'C' D. P. C.	N. A.

Department of Cooperation

Office of the Registrar of Coop. Societies
and Ex-Officio Joint Secretary

Notification

42/1/93/TS

The following draft amendments which is proposed to be made to the Cooperative Societies Rules, 1962 as in force in this State is hereby pre-published as required by sub-section (3) of section 165 of the Maharashtra Co-operative Societies Act, 1960 as in force in this State for information of all persons likely to be affected thereby and notice is hereby given that the said draft amendments will be taken into consideration by the Government on the expiry of 30 days from the date of publication of this Notification in the Official Gazette.

All objections and suggestions to the draft amendments may be forwarded to the Registrar of Co-operative Societies and Ex-Officio Joint Secretary to the Government, Government of Goa, Fontainhas, Panaji within 30 days from the date of publication of this Notification in the Official Gazette.

DRAFT AMENDMENT

In exercise of the powers conferred by sub-section (1) of section 165 of the Maharashtra Co-operative Societies Act, 1960 as in force in this State and all other powers enabling him in that behalf, the Governor of State of Goa hereby make the following rules so as to amend Co-operative Societies Rules, 1962 as in force in this State namely:—

1. *Short title and commencement.*— (1) These rules may be called the Co-operative Societies (Eighth Amendment) Rules, 1994.

(2) They shall come into force at once.

2. *Amendment of rule 9.*— In the table in sub-rule (1) of rule 9 of the Co-operative Societies Rules, 1962 as in force in the State of Goa (hereinafter referred to as the "principal rules"),—

(i) In column 3 against sub-clause (b) of item 3, the words "Salary Eanes Societies" shall be omitted.

(ii) In column 3 against sub-class (a) of item 8, after the words "Agricultural Credit, Thrift and Urban Cerdit Societies" the words "and Salary Earners Societies" shall be inserted.

3. *Amendment of rule 101.*— In Rule 101 of the principal rules, for sub-rules (1) and (2), the following shall be substituted namely:—

(1) The President of Tribunal shall be a person,—

(a) who has been a Judge of any High Court in India, or

(b) who is or had been a District and Session Judge, or

- (c) who has been a Chairman of the Goa, Daman and Diu Administrative Tribunal appointed under section 3 of the Goa, Daman and Diu Administrative Tribunal Act, 1965, (Act 6 of 1965).

(2) The other members of Tribunal shall be sitting members of Goa, Daman and Diu Administrative Tribunal which shall not be more than three as may be notified.

- (i) the existing sub-rule (3) and (5) shall be omitted.
(ii) for sub-rule (7), the following shall be substituted, namely:-

“(7) The seat of the Goa, Daman and Diu Administrative Tribunal shall be the Head Quarters of the Tribunal”.

By order and in the name of the Governor of Goa.

D. C. Sahoo, Registrar of Co-operative Societies and Ex-Officio Jt. Secretary to the Govt.

Panaji, 28th February, 1994.

Law (Establishment) Department

ORDER

The following Election Symbols (Reservation and Allotment) Amendment Order 1994 No. 56/Amendment/94/J. S. II, dated 16-2-1994 issued by the Election Commission of India, New Delhi is hereby published for general information.

B. S. Subbanna, Law Secretary/Joint Chief Electoral Officer.

Panaji, 24th February, 1994.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan,
Ashoka Road,
New Delhi - 110001.
Dated: 16-2-1994.

ELECTION SYMBOLS (RESERVATION AND ALLOTMENT) AMENDMENT ORDER, 1994

ORDER

In exercise of the powers conferred by Article 324 of the Constitution read with Section 29A of the Representation of the People Act, 1951 (43 of 1951) and Rules 5 and 10 of the Conduct of Elections Rules 1961 and all other powers enabling it in this behalf, the Election Commission of India hereby makes the following Order to further amend the Election Symbols (Reservation and Allotment) Order, 1968:—

1. *Short Title.*—(1) This Order may be called the Election Symbols (Reservation and Allotment) Amendment Order, 1994.

(2) It shall come into force on the date of its publication in the Gazette of India.

2. *Insertion of new Paragraph 16 A.*—In the Election Symbols (Reservation and Allotment) Order, 1968, after Paragraph 16, the following paragraph shall be inserted, namely:—

“16A. *Power of Commission to suspend or withdraw recognition of a recognised political party for its failure to observe Model Code of Conduct or follow lawful directions and instructions of the Commission.*—Notwithstanding anything in this Order, if the Commission is satisfied on information in its possession that a political party, recognised either as a National Party or as a State Party under the provisions of this Order, has failed or has refused or is refusing or has shown or is showing defiance by its conduct or otherwise (a) to observe the provisions of the ‘Model Code of Conduct for Guidance of Political Parties and Candidates’ as issued by the Commission in January, 1991 or as amended by it from time to time, or (b) to follow or carry out the lawful directions and instructions of the Commission given from time to time with a view to furthering the conduct of free, fair and peaceful elections or safeguarding the interests of the general public and the electorate in particular, the Commission may, after taking into account all the available facts and circumstances of the case and after giving the party a reasonable opportunity of showing cause in relation to the action proposed to be taken against it, either suspend, subject to such terms as the Commission may deem appropriate, or withdraw the recognition of such party as the National party or, as the case may be, the State Party”.

By order and in the name of the Election Commission of India.

(F. No. 56/Amendment/94/J. S. II)

K. P. G. Kutty
Secretary.

LEGISLATURE SECRETARIAT

Notification

LA/B/912/1994

The following Bill which was introduced in the Legislative Assembly of Goa on 24-3-94 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 29th March, 1994.

**The Goa Legislative Diploma No. 2070
dated 15/4/1961 (Amendment) Bill, 1994**

(Bill No. 7 of 1994)

A

BILL

further to amend the Legislative Diploma No. 2070 dated 15-4-1961 in its application to the State of Goa.

Be it enacted by the Legislative Assembly of Goa in the Forty-fifth Year of the Republic of India as follows: —

1. *Short title and commencement.* — (1) This Act may be called the Goa Legislative Diploma No. 2070 dated 15-4-1961 (Amendment) Act, 1994.

(2) All the provisions of this Act, except section 3(a), shall be deemed to have come into force on the 1st day of January, 1982.

(3) Section 3(a) of this Act shall be deemed to have come into force on 30-6-1993.

2. *Amendment of Article 116.* — For Article 116 of the Legislative Diploma No. 2070 dated 15-4-1961 (hereinafter referred to as the "principal Code"), the following shall be substituted, namely: —

"Article 116. — (1) In the State of Goa, there shall be three Zones of Comunidades, namely: —

(i) Central Zone; (ii) North Zone; and (iii) South Zone; and there shall be separate offices of Administrator of Comunidades in each Zone.

(2) The Comunidades of Tiswadi and Ponda Taluka shall be under the Central Zone. The Comunidades of Bardez, Pernem, Bicholim and Satari Talukas shall be under the North Zone, and the Comunidades of Salcete, Mormugao, Quepem, Sanguem and Canacona Talukas shall be under the South Zone."

3. *Amendment of Article 118.* — (a) In Article 118 of the principal Code, the figures and words "possessing the minimum qualification of 3rd cycle of the Lyceum" shall be omitted.

(b) In Article 118 and in any other Article of the principal Code, for the words "administration of Comunidades of Goa, Salcete and Bardez" wherever they occur, the words "Administration of Comunidades of Central Zone, Panaji; South Zone, Margao; and North Zone, Mapusa" shall be substituted.

4. *Amendment of Article 125.* — In Article 125 of the principal Code, for clause 3, the following shall be substituted, namely: —

"3-to order for the preparation, in October of each year, of the budget of the Administration of each Zone, dividing it proportionately among the Comunidades based on their annual income, and submit it for the approval of the Government.

The income of the tithes of "dessaides" shall be included in the budget of the Administrator of Comunidades of North Zone."

5. *Omission of Articles 642, 643 and 644.* — Articles 642, 643 and 644 of the principal Code shall be omitted.

6. *Repeal and Savings.* — (1) The Goa Legislative Diploma No. 2070 dated 15-4-1961 (Amendment) Ordinance, 1993 (Ordinance No. 4 of 1993) and the Goa Legislative Diploma No. 2070 dated 15-4-1961 (Amendment) Ordinance, 1994 (Ordinance No. 1 of 1994) are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in exercise of any power conferred by or under the said Ordinances, shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act as if this Act were in force on the day on which such thing or action was done or taken.

Statement of Objects and Reasons

The High Court of Judicature at Bombay, Goa Bench, Panaji vide judgement delivered in Writ Petition No. 537 of 1993 filed by Shri Alex D'Souza V/s State of Goa and others, have directed the Government to scrutinise the case of Shri Albino D'Souza, Administrator of Comunidades of Bardez, afresh in view of Judgement and observations made thereunder to regularise the acts done by said Shri Albino D'Souza from the date of his appointment till further step is taken by the Government in the matter. Similarly, under Judgement delivered in Writ Petition No. 140 of 1991 filed by the Comunidade of Chicalim, directed the Administrator of Comunidades of Salcete and South Zone, Margao, to prepare separate budgets under Article 125 of the Code of Comunidades in respect of Mormugao, Quepem, Canacona and Sanguem Talukas.

As implementation of the judgement would entail financial crisis in administration of the Comunidades as financial position of some of the Comunidades is not on sound footing and the qualification of 3rd Cycle of the Lyceum prescribed under Article 118 of the Code of Comunidades is found to be out-dated and in order to meet all eventualities, the Governor of Goa had promulgated two Ordinances, namely: — (1) The Goa Legislative Diploma No. 2070 dated 15-4-1961 (Amendment) Ordinance, 1993 (Ordinance No. 4 of 1993) and (2) The Goa Legislative Diploma No. 2070 dated 15-4-1961 (Amendment) Ordinance, 1994 (Ordinance No. 1 of 1994) on 31-12-1993 and 11-1-1994 respectively.

This Bill seeks to replace the said Ordinances.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum on Delegated Legislation

No delegated legislation is envisaged in this Bill.

Panaji,
1st March, 1994.

WILFRED DE SOUZA
Chief Minister

Assembly Hall,
Panaji,
17th March, 1994.

ASHOK B. ULMAN
Secretary to the
Legislative Assembly of Goa

(Annexure to Bill No. 7 of 1994)

The Goa Legislative Diploma No. 2070
dated 15-4-1961 (Amendment) Bill, 1994

Legislative Diploma No. 2070 dated 15th April, 1961

Art. 116 — In each of the talukas of Goa, Salcete and Bardez, there shall be a special Office of Administration of Comunidades, and in the remaining ones, except Satari, the Comunidade shall be under the administration of the respective taluka.

Only for the purposes of this Art., the Comunidades of the taluka of Satari shall be under the administration of the taluka of Bicholim.

Art. 118 — In each of the offices of Administration of the Comunidades of Goa, Salcete and Bardez, the respective Administrator shall be appointed by the Governor General on Commission from amongst the persons of well-known competence in the field of public administration preferably Administration of Comunidades, possessing the minimum qualification of 3rd cycle of the Lyceum.

Only the Administrators of the Comunidades may be transferred when such transfer is convenient to the service.

Art. 125 — The Administrators of the Comunidades has competence to:

1. To accomplish and make accomplish the rules contained in this code, the contracts entered into by the Comunidade and all the resolutions and decisions of the higher authorities.

2. Maintain order and discipline in the Services of Comunidades under his control.

3. To order for the preparation, in October of each year, of the budget of the Administration, dividing proportionately among the Comunidades in function of the receipts of the year, and submit it for approval of the Government.

In the Bicholim taluka the returns of the titles of "dessaidos" shall be included in the budget.

Art. 642 — The pay of the registrars of the Comunidades shall be included in the private budget of the Administrations and Sections of Comunidades and shall be paid out of the contributions allotted by the Comunidades of the various talukas.

Only it is applicable to the registrars of the Comunidades of Quepem and Pernem what is contained in the last part of this Art.

Art. 643 — The exercise of the rights of the registrars which amount to an increase of expenses, excepting what is contained in the preceeding Art., is subject to the financial possibilities of each Comunidade or their groups. The exercise of such duties shall depend on the favourable vote of the same Comunidades.

Art. 644 — The remunerations of the administrators, registrars and clerks which amount to an increase in expenses compared in those drawn at the time of the publication of this code, are also subject to the financial possibilities of the Comunidades of each concelho and their favourable vote, Sanctioned by the Governor General.

Assembly Hall,
Panaji,
17th March, 1994.

ASHOK B. ULMAN
Secretary to the
Legislative Assembly of Goa.

Notification

LA/B/911/1994

The following Bill which was introduced in the Legislative Assembly of Goa on 25-3-94 is hereby

published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 29th March, 1994.

The Goa Administration of Evacuee Property (Amendment) Bill, 1994

(Bill No. 9 of 1994)

A

BILL

further to amend the Goa, Daman and Diu Administration of Evacuee Property Act, 1964.

Be it enacted by the Legislative Assembly of the State of Goa in the Forty-fifth year of the Republic of India as follows: —

1. *Short title and commencement.* — (1) This Act may be called the Goa Administration of Evacuee Property (Amendment) Act, 1994.

(2) It shall come into force at once.

2. *Insertion of new section 3A.* — In the Goa Daman and Diu Administration of Evacuee Property Act, 1964 (Act No. 6 of 1964), after Section 3, the following section shall be inserted, namely: —

"3A. The provisions of the Goa Mundkars (Protection from Eviction) Act, 1976 (Act No. 1 of 1976) shall, notwithstanding the provisions contained in Section 3, shall apply to the properties vested in the custodian under section 6".

Statement of Objects and Reasons

The Goa Mundkars (Protection from Eviction) Act, 1976 which was enacted by this august House to provide protection from eviction to the mundkars and also a right to purchase the dwelling house to a mundkar, has not so far been made applicable to the mundkars of the lands vested in the Custodian under the Goa, Daman and Diu Administration of Evacuee Property Act, 1964. This House has already made the Tenancy Act applicable to the tenants of the evacuee property. In fitness of things, the Mundkars Act also should be made applicable to the mundkars of the evacuee properties. The Bill seeks to achieve the purpose.

Financial Memorandum

The Bill involves no financial implications.

Panaji,
17th March, 1994.

DRARMA CHODANKAR
M. L. A.

Panaji,
Assembly Hall,
21st March, 1994.

ASHOK B. ULMAN
Secretary to the Legislative
Assembly of Goa.

(Annexure to Bill No. 9 of 1994)

The Goa Administration of Evacuee Property
(Amendment) Bill, 1994.

The Goa, Daman and Diu Administration of Evacuee
Property Act, 1964

(Act No. 6 of 1964)

Section 3. Act to override other laws.— (1) On and from the date of coming into force of the Goa Administration of Evacuee Property (Amendment) Act, 1989, the provisions of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act 7 of 1964), for the time being in force, shall apply in respect of agricultural land and tenancies created by the Custodian.

(2) The provisions of this section shall, save as otherwise expressly provided, have effect notwithstanding anything to the contrary contained in any instrument having effect by virtue of any such law.

Assembly Hall,
Panaji,
21st March, 1994.

ASHOK B. ULMAN
Secretary to the Legislative
Assembly of Goa.

Government Press

Notice

The subscribers to the Official Gazette are kindly reminded that their present subscription term ends on the 31st March, 1994, being the end of financial year.

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